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1714

Patent

Case No.: CGL00/0144US4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Murphy, Timothy A.

Application No.: 10/092,341

Group Art Unit: 1714

Filed: March 5, 2002

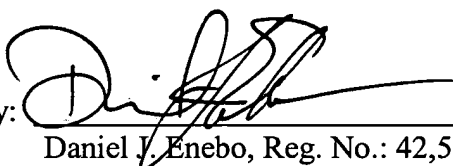
Examiner: Toomer, Cephia D.

Title: VEGETABLE OIL BASED WAX COMPOSITIONS

In response to the Office Action of April 9, 2004, applicant offers the attached Terminal Disclaimer Under 37 CFR §1.32(b). With this response Applicant believes that remaining claims, 1-10 and 12-27 in this application are in condition for allowance. Accordingly, a prompt notice of allowance is respectfully requested.

Respectfully submitted,

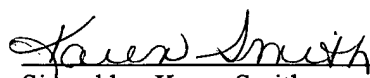
5/13/04  
Date

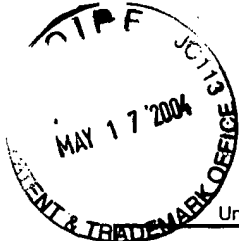
By:   
Daniel J. Enebo, Reg. No.: 42,512  
Telephone No.: (952) 742-4185  
Office of Intellectual Property Counsel  
Cargill, Incorporated  
Facsimile No.: (952) 742-6349

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 05/13/04

5/13/04  
Date

  
Signed by: Karen Smith



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/092,341
		Filing Date	March 5, 2002
		First Named Inventor	Timothy A. Murphy
		Art Unit	1714
		Examiner Name	Cephia Toomer
Total Number of Pages in This Submission	5	Attorney Docket Number	CGL00/0144US4

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)  Remarks	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, brief, Reply Brief) <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) Return Receipt Postcard

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Or Individual name	Daniel J. Enebo Cargill, Incorporated
Signature	
Date	05/13/04

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Karen D. Smith		
Signature		Date	May 13, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Patent  
Case No.: CGL00/0144US4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: Murphy, Timothy A.  
Application No.: 10/092,341                      Group Art Unit: 1714  
Filed: March 5, 2002                      Examiner: Toomer, Cephia D.  
Title: VEGETABLE OIL BASED WAX COMPOSITIONS

**TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Services as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 05/13/04

5/13/04  
Date

Karen Smith  
Signed by: Karen Smith

Dear Sir:

Petitioner, Cargill Incorporated, a corporation of the State of Delaware having a place of business at Minneapolis, MN, represents that it is the exclusive owner of the entire interest in the above-identified application (referred to as the "Subject Application") by virtue of an assignment recorded at Reel 013350, Frame 0110, on June 24, 2002. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Patent No. 6,645,261, by virtue of an assignment recorded at Reel 012689, Frame 0543 of Prior Patent, on March 15, 2002.

Petitioner disclaims the terminal part of any patent granted on the Subject Application (referred to as a "Subject Patent") which would extend beyond the expiration date of the full statutory term, as defined in 35 USC §§ 154 to 156 and 173 and as presently shortened by any terminal disclaimer, of the Prior Patent. Petitioner hereby agrees that the Subject Patent shall be enforceable only for and during such period that the legal title to such patent and the Prior Patent are commonly owned. This agreement is to run with the Subject Patent and to binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any Subject Patent that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of the Prior Patent, as presently shortened by any terminal disclaimer, in the event such Prior Patent later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Documents establishing the chain of title of the Subject Application and of the Prior Patent (including the aforementioned assignments and recording locations) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.


Please charge the fee provided in 37 CFR § 1.20(d) and, if necessary, charge any additional fees or credit any overpayment to Deposit Account No. 50-2342. One copy of this sheet marked duplicate is also enclosed.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Respectfully submitted,

May 13, 2004  
Date

By:

  
Daniel J. Enebo, Reg. No.: 42,512  
Telephone No.: (952) 742-2848  
Office of Intellectual Property Counsel  
Cargill, Incorporated  
Facsimile No.: (952) 742-6349



# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$110.00

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

☒ Deposit Account:  
Deposit Account No. 502342

Deposit Account Name Cargill, Incorporated

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee	Entity Fee	Small Fee	Entity Fee	Fee Description	Fee Paid
Code	\$	Code	\$		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					\$0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee	Fee Paid
Total Claims 25 - 20 * =	0	X 18	\$0.00
Ind. Claims - 3 * =	0	X 86	\$0.00
Multiple Dependent			

Large Fee	Entity Fee	Small Fee	Entity Fee	Fee Description	Fee Paid
Code	(\$)	Code	(\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	* Reissue Ind. Claims over original patent	
1205	18	2205	9	*Reissue claims in excess of 20 & over patent	
SUBTOTAL (2)					\$0.00

## Complete if Known

Application Number	10/092,341
Filing Date	March 5, 2002
First Named Inventor	Timothy Murphy
Examiner	Cephia Toomer
Art Unit	1714
Docket No.	CGL00/0144US4

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Fee	Entity Fee	Small Fee	Entity Fee	Fee Description	Fee Paid
Code					
1051	130	2051		65 Surcharge - late filing fee or oath	
1052	50	2052		25 Surcharge- late provisional filing fee or cover sheet	
1053	130	2053		130 Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1805	1,840*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251		55 Extension for reply within first month	
1252	420	2252		210 Extension for reply within second month	
1253	420	2253		475 Extension for reply within third month	
1254	1,480	2254		740 Extension for reply within fourth month	
1255	2,010	2255		1,005 Extension for reply within fifth month	
1401	330	2401		165 Notice of Appeal	
1402	330	2402		165 Filing a brief in support of an appeal	
1403	290	2403		145 Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452		55 Petition to revive - unavoidable	
1453	1,330	2453		665 Petition to revive - unintentional	
1501	1,330	2501		665 Utility issue fee (or reissue)	
1502	480	2502		240 Design issue fee	
1503	640	2503		320 Plant issue fee	
1460	130	1460		130 Petitions to the Commissioner	
1807	50	1807		50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806		180 Submission of Information Disclosure Stmt	
8021	40	8021		40 Recording each patent assignment per property (times number of properties)	
1809	770	2809		385 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810		385 For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801		385 Request for Continued Examination (RCE)	
1802	900	1802		900 Request for expedited exam. of design appln	
Other fee					
Terminal Disclaimer Fee					\$110.00
SUBTOTAL (3)					\$110.00

## SUBMITTED BY

(Complete (if applicable))

Name (Print)	Daniel Enebo	Registered No.	43,869	Telephone	42,512
Signature		Date	May 13, 2004		